

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

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In Re: ) Case No. 19-30088  
 ) Chapter 11  
PG&E CORPORATION AND PACIFIC )  
GAS AND ELECTRIC COMPANY, ) San Francisco, California  
 ) Tuesday, August 17, 2021  
Debtor. ) 10:00 AM  
 )  
EX PARTE MOTION OF WILLIAM B. ABRAMS PURSUANT TO B.L.R. 9006-1 REQUESTING ORDER SHORTENING TIME FOR HEARING ON WILLIAM B. ABRAMS' MOTION TO ENFORCE DISCLOSURE REQUIREMENTS OR RECONSTITUTE THE FIRE VICTIM TRUST OVERSIGHT COMMITTEE GIVEN NEW EVIDENCE OF SELF DEALING AND CONFLICTS OF INTEREST PURSUANT TO U.S.C. SECTION 327(A) AND BANKRUPTCY RULE 2014 FILED BY WILLIAM ABRAMS [11051]  
  
MOTION TO ENFORCE DISCLOSURE REQUIREMENTS OR RECONSTITUTE THE FIRE VICTIM TRUST OVERSIGHT COMMITTEE GIVEN NEW EVIDENCE OF SELF DEALING AND CONFLICTS OF INTEREST PURSUANT TO U.S.C. SECTION 327(A) AND BANKRUPTCY RULE 2014 FILED BY WILLIAM ABRAMS [11005]

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DENNIS MONTALI  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (All present by video or telephone):

Also Present: William B. Abrams  
Movant and Individual Claimant

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Court Recorder:

LORENA PARADA/ANKEY THOMAS  
United States Bankruptcy  
Court  
450 Golden Gate Avenue  
San Francisco, CA 94102

Transcriber:

LINDA FERRARA  
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Proceedings recorded by electronic sound recording;  
transcript provided by transcription service.

PG&E Corporation and Pacific Gas and Electric Company

SAN FRANCISCO, CALIFORNIA, TUESDAY, AUGUST 17, 2021, 10:00 AM

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(Call to order of the Court.)

THE CLERK: Court is now in session. The Honorable  
Dennis Montali presiding.

Calling the matter of PG&E Corporation.

I'll bring in Mr. Abrams now.

THE COURT: Good morning, Mr. Abrams.

MR. ABRAMS: Good morning, Your Honor.

THE COURT: Yeah, just state your name for the record,  
please.

MR. ABRAMS: Will Abrams.

THE COURT: All right. Well, Ms. Parada, no one else  
has raised a hand and participating, right?

THE CLERK: No. No, Your Honor.

THE COURT: All right. Okay. For the record, Mr.  
Abrams, you know what I am about to tell you but I'm just going  
to clarify it for the record. So I signed an order on August  
12th setting this hearing. And as I indicated in that order, I  
originally intended to do a written disposition of your pending  
motions, but based upon circumstances, I chose to move more  
expeditiously, and so I am going to make an oral ruling on your  
motions and explain myself. I don't intend to write in any  
detailed written (audio interference) I will issue a summary,  
one- or two-sentence order that formally confirms my oral

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1 ruling. And specifically this is a ruling on two motions you  
2 filed on August 2nd, document number 11005 which I will use the  
3 short title, William B. Abrams' motion to enforce disclosure  
4 requirements. And then a few days after that, you filed  
5 document 11051 which is called an ex parte motion, your name,  
6 pursuant to the rules and so on for a hearing to enforce the  
7 same documents.

8 So I am taking those two together and I'm simply going  
9 to make this an oral ruling. Stick with me, I'll try to go  
10 short and slowly.

11 So for the first time in less than three months, Mr.  
12 Abrams has filed a lengthy criticism of many aspects of the  
13 PG&E reorganization. More specifically, the composition of the  
14 Trust Oversight Committee, which I will refer to as the "TOC"  
15 occasionally, affirmed as of confirmation of the PG&E plan last  
16 year.

17 His first attempt was rejected by this Court by an  
18 order of June 1st, 2021. The Court criticized Mr. Abrams for  
19 relying on Federal Rule of Bankruptcy Procedure 9023 and 9024  
20 generally and in reliance on the Bankruptcy Code Section  
21 1123(a)(4). That section relates to plan components and has no  
22 bearing on the Fire Victim Trust or the membership of the TOC.

23 In rejecting that motion, that the Court pointed out  
24 that Mr. Abrams needed to make proper citations to authority  
25 and to explain the ability of the Court to offer whatever

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1 relief he sought. He was also directed to identify the parties  
2 against whom he sought relief. In the first most -- excuse me,  
3 in the most recent filing, he has at least done that; namely,  
4 identified certain parties, focusing on all but one member of  
5 the TOC.

6 His second attempt was rejected by an order of June  
7 10th, 2021. This time Mr. Abrams again cited Bankruptcy Code  
8 Section 1123(a)(4) and Section 6.2 of the Fire Victim Trust.  
9 In the text of his argument, he actually cited Section 6.3(c)  
10 of the Fire Victim Trust. He did not cite that provision in  
11 his most recent filing. Again, a little inconsistency in the  
12 referencing to supporting authorities.

13 In the second motion, Mr. Abrams repeated his  
14 criticism of the TOC, but his motion was lacking in admissible  
15 evidence and legal analysis as to what the Court should do. In  
16 that same filing, he did cite Bankruptcy Rule 2019, again a  
17 rule that has no role regarding post-confirmation activities  
18 and does not appear to be relevant conduct of the members of  
19 the TOC, yet he asked the Court to direct those members to  
20 comply with that rule. If he persists in invoking that rule,  
21 he will need to establish how it applies.

22 In rejecting Mr. Abrams' second motion, the Court  
23 pointed out the burdens placed on numerous professionals whom  
24 he criticized who would need to deal with the wide sweeping  
25 criticisms of them and be expected to defend their reputations.

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1 He might have a lot of time to make these allegations on his  
2 own, but those professionals he attacks repeatedly should not  
3 have to deal with specious arguments without merit.

4 After the Court denied the prior motions on June 10,  
5 no excuse me, motion on June 10, it laid out for Mr. Abrams  
6 what would be required were he to try again in an email from  
7 the courtroom deputy of July 1st. Here's a part of what (audio  
8 interference) quote.

9 "Any such motion you file should not mix different  
10 claims for relief as your prior motion did. For example,  
11 reconstitute the Trust Oversight Committee and alter the review  
12 of damage claims. Separate motions are needed for separate  
13 outcomes. Here again is a portion" -- and this is still within  
14 the quote. "Here, again, is a portion of the Court's order of  
15 June 1st, docket number 10738. 'A motion must identify the  
16 parties against whom they seek relief, supporting papers  
17 include a memorandum of points and authorities, a statement of  
18 the issues to be decided, a succinct statement of the relevant  
19 facts, the argument of the submitting party and properly  
20 executed affidavits or declarations under penalty of perjury  
21 that include admissible evidence, adequate foundation for facts  
22 alleged, and free from objectionable hearsay'".

23 As I noted -- as I noted, he has identified in his  
24 prospective respondent's members of the TOC, but he's generally  
25 failed to comply with those instructions otherwise. In the

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present filing, he cites Bankruptcy Code Section 327 and  
Bankruptcy Rule 2014, neither of which have any applicability.  
Section 327 regulates the conduct of trustees or debtors-in-  
possession or professionals hired by them.

Once the PG&E plan was confirmed on June 20th, 2020  
and became effective ten days later, the debtor ceased to be a  
debtor-in-possession and the Court ceased oversight of  
professionals employed by it -- by the debtor.

The Trust Oversight Committee came into existence on  
the very date the plan became effective. There's no reason to  
presume that Section 327 has any application to the Trust  
Oversight Committee or to any professionals employed by it.  
The same is true with respect to Bankruptcy Rule 2014.

The same is true with Mr. Abrams' complaint that  
professionals must be "disinterested" and not be permitted to  
hold or represent interests adverse to the estate. Again,  
those are legal rules that do not appear to have any  
applicability to the Trust Oversight Committee.

Although Mr. Abrams cites Section 6.3(c) of the Fire  
Victim Trust, he does not purport to bring his current motion  
within any of the provisions of that that might support removal  
of any of the members of that committee. Removal is described  
in that section and there was no compliance with its procedure  
or even an attempt -- or even an argument with supporting law  
explaining why the procedures can be bypassed.

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1 Further, Mr. Abrams provides no evidence that is  
2 admissible or relevant to what the current members may have  
3 done since they took their positions. The bulk of his third  
4 attack is a sweeping criticism of Governor Newsom, the  
5 California legislature, the circumstances that led to the  
6 passage of AB 1054, and what did or did not take place leading  
7 up to the proposal for PG&E's reorganization plan and the  
8 Court's ultimate confirmation of it.

9 Clues as to Mr. Abrams' motivations and concerns are  
10 found by repeating a number of phrases he uses in his  
11 preliminary statement: hijacked, benefits certain rarified  
12 utility investors, attorneys who have been influenced through  
13 perverted incentives, conflicts of interest by those engaged in  
14 "extrajudicial actions", efforts of attorneys and others to  
15 undermine processes and procedures, profiteering from  
16 California's utility-caused wildfires, the Victim Trust being  
17 weaponized to advance financial interests of a few  
18 stakeholders, conduct of the powerful and well-moneyed parties  
19 in this case. The list goes on and on and need not be repeated  
20 here.

21 This Court is not dictating how Mr. Abrams should  
22 express himself generally or before any other body. What it is  
23 concerned about is the lack of care and precision which he  
24 asserts while making these allegations in this court.

25 More specifically, on page 6 of his latest filing, he



PG&E Corporation and Pacific Gas and Electric Company states, "There is clear evidence in this case that certain members of the TOC have engaged in matters that have lessened to the value of the trust and delayed the claims administration process to advantage shareholders and others that have adverse interests in this case". He offers no support for that statement.

On the next page he makes a sweeping invocation of Bankruptcy Rule 2014 to contend that members of the Trust Oversight Committee, the torts claimants committee, and the fire claimants' professionals have hinted and indirectly pointed to facts that bear on disinterestedness, but these hints are not disclosed and don't meet the standards of Bankruptcy Rule 2014.

He then goes onto discuss at length an inappropriate Court of Appeals decision, Mitchell v. MetLife, that disqualified an attorney because of an inherent conflict and lack of compliance with the American Bar Association Code of Professional Responsibility. That argument has no relevance to the issues in front of this Court.

One of the most troublesome statements Mr. Abrams makes on page 12 is the following. "I have direct firsthand knowledge that the staff of this organization", presumably the Up From The Ashes, "wrote parts of this legislation", referring to AB 1054, "which were adverse to the interest of the victims, beneficial to investors' interests, and beneficial to the

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standing of certain attorneys in their ongoing efforts to  
pursue other litigation outside the bounds of this case"; end  
of quote.

This broad statement is completely unsupported by  
competent evidence. The only clue is Mr. Abrams' knowledge,  
but he keeps it to himself. But even if he shared with us that  
knowledge, the relevance is lacking. Apparently, Up From the  
Ashes dissolved just weeks after the plan became effective and  
of course, the plan was consistent with AB 1054 and  
overwhelmingly approved by the voters of the plan.

So the history of how it came to be the law in  
California and Mr. Abrams' disapproval of it is nothing more  
than history.

The same must be said of who or what groups supported  
the passage and what their motives were. While some historical  
context is always useful, the Court finds distracting and  
unproductive Mr. Abrams repeatedly complaining about something  
that is over and done with. All that he should focus on here  
is whether the Court agrees that some wrong has been done for  
which there is a remedy. That means if there has been misuse  
by TOC members or any particular member, that wrong and not Mr.  
Abrams' desire to revisit history should be addressed with  
competent and admissible and relevant evidence, not repetitive  
complaints about what might have been.

To be more specific, Mr. Abrams on pages 10 and 11 of

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1 his motion, faults the TOC members, criticized the efforts he  
2 labels "shadow lobbying", promoting shares over cash,  
3 preventing critical disclosures, leveraging victims' stock  
4 positions to shield shareholders' interests, leveraging victims  
5 to enable future wildfire litigation, trust design dysfunction.  
6 Not very complimentary terms, but absolutely no meat on the  
7 bones, just -- excuse me, just one man's obsession with wrongs  
8 that he wants to right.

9 It is worth noting that the Court had no role in the  
10 selection of the members of the TOC and maybe has no role in  
11 replacing them for proven misconduct. If Mr. Abrams persists  
12 again, he must avoid the hyperbole and invective and his own  
13 dislike for the process he is stuck with. These are the rules  
14 we all have here.

15 If specific TOC members have done something wrong as  
16 members of that organization or even if applicable law was  
17 violated and some consequences shall still apply, the  
18 wrongdoers should be held accountable. If paragraph 6.3(c)  
19 won't work, Mr. Abrams will need to find what law does work and  
20 whether and how this Court can apply that law.

21 Make some final comments. More recent complaint --  
22 Mr. Abrams' most recent complaint in his ex parte motion is  
23 that a nonmember -- a nonmember, of the TOC made a brief three-  
24 line statement about the Dixie Fire and the PG&E stock price  
25 and Mr. Abrams saw fit to call that newly discovered evidence

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1 justifying relief on an expedited basis.

2 Well, that speaker owed no duty to the Court or to Mr.  
3 Abrams or to the Fire Victims' Trust and this Court will not  
4 pretend to stifle that person's First Amendment rights any more  
5 than it would stifle Mr. Abrams' First Amendment rights.

6 That said, the Court wants Mr. Abrams to know that if  
7 his repeated unfounded statements and his ignoring applicable  
8 legal rules are getting tiresome and will not be permitted  
9 again and again. While he states repeatedly that he is not a  
10 lawyer, a fact well-known to the Court, that is not a license  
11 to continue again and again to throw as much criticism in his  
12 complaints against the wall, hoping some of it will stick. He  
13 is cautioned that further filings lacking in merit may indeed  
14 result in monetary sanctions under Rule 9011 or otherwise if  
15 this conduct is repeated.

16 I don't -- I assume Mr. Abrams' good faith. I am  
17 aware of his history and his losses he suffered in the fires in  
18 2011 and I don't want to and will not -- am not presently  
19 labeling him a vexatious litigant. I will concede and assume  
20 that he is well-intended, but this is not a town hall or a  
21 social media platform. This is a federal court that has  
22 procedures governed by well-established rules, virtually none  
23 of which have been followed here.

24 If Mr. Abrams cannot or will not follow these  
25 procedures, he will be turned away again and again and he will

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1 just have to accept the consequences of once again ignoring the  
2 rules I have attempted to outline. It is not my style to come  
3 down hard on litigants and particularly pro se litigants, but  
4 enough is enough. The baseless, full-blast, broadside attacks  
5 without a shred of foundation or legal basis will not be  
6 tolerated if this happens again.

7 The motions are denied. The Court will issue an order  
8 denying them, and that concludes the hearing.

9 MR. ABRAMS: Can I ask Your Honor --

10 THE COURT: Adjourn the Court.

11 MR. ABRAMS: -- a couple of questions?

12 THE COURT: Excuse me?

13 MR. ABRAMS: Your Honor, may I ask a couple of  
14 questions regarding your ruling?

15 THE COURT: I don't think so. The ruling is that the  
16 motions are denied. I may give you -- you can make a brief  
17 statement, but I may not answer.

18 MR. ABRAMS: Okay. Thank you, Your Honor. First of  
19 all, I just want to clarify there is nothing in my filed papers  
20 that points to the Governor or --

21 THE COURT: Okay. Mr. Abrams --

22 MR. ABRAMS: -- any --

23 THE COURT: -- I am going to interrupt you. I don't  
24 want argument.

25 MR. ABRAMS: Okay.

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1 THE COURT: If I --

2 MR. ABRAMS: I am not --

3 THE COURT: I've made an --

4 MR. ABRAMS: I am not going to argue my motion, Your  
5 Honor.

6 THE COURT: You're arguing your motion. Your  
7 documents speak for themselves. Do you have another question?

8 MR. ABRAMS: So Your Honor, you -- you threw a lot of  
9 things at me, and I remember sitting in your courtroom where  
10 attorneys passed a cocktail napkin up to you and everybody had  
11 a big laugh as a --

12 THE COURT: Okay. Mr. Abrams --

13 MR. ABRAMS: -- (indiscernible).

14 THE COURT: -- I'm not interested in going back  
15 over --

16 MR. ABRAMS: And so --

17 THE COURT: -- I'm sorry, sir.

18 MR. ABRAMS: -- when all of these other --

19 THE COURT: I'm sorry, Mr. Abrams.

20 MR. ABRAMS: -- parties are doing those types of  
21 things --

22 THE COURT: I am going to --

23 MR. ABRAMS: -- I have been respectful --

24 THE COURT: Ms. Parada --

25 MR. ABRAMS: -- I have completely been respectful --

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1 THE COURT: -- would you please mute Mr. Abrams' --

2 MR. ABRAMS: -- of you and the Court.

3 THE COURT: -- microphone?

4 MR. ABRAMS: I have continued to be respectful of you  
5 and the Court, Your Honor and I wouldn't do any --

6 THE COURT: Ms. Parada, please mute Mr. Abrams'  
7 microphone.

8 Mr. Abrams, I have not said you have been rude or  
9 impolite to the Court. I have said you are misguided in the  
10 way you're going about your attacks. I am not going to discuss  
11 it further. I've issued my ruling and I'm warning you about  
12 any future activity and what I'll expect of you.

13 And I will repeat again, I have made no criticism of  
14 anything you've done in the past and I don't know what you're  
15 referring to about something that happened during a prior  
16 hearing sometime in the last two-and-a-half years.

17 So the Court is now adjourned.

18 (Whereupon these proceedings were concluded at 10:20 AM)

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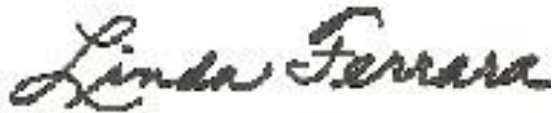
## I N D E X

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Mr. Abrams are denied.		



## C E R T I F I C A T I O N

I, Linda Ferrara, certify that the foregoing transcript is a true and accurate record of the proceedings.



---

/s/ LINDA FERRARA, CET-656

eScribers

7227 N. 16th Street, Suite #207

Phoenix, AZ 85020

Date: August 17, 2021

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